

FILED

AUG 15 2008

*M. J. H. H. H.*

CLERK OF THE  
INDIANA SUPREME COURT  
COURT OF APPEALS  
AND TAX COURT

## ORDER REAPPROVING LOCAL RULE

Randall T. Shepard  
Randall T. Shepard  
Chief Justice of Indiana

IN THE  
SUPREME COURT OF INDIANA

IN THE MATTER OF THE       )  
  )  
SULLIVAN COUNTY PLAN       )  
  )  
FOR ALLOCATION OF            )  
  )  
JUDICIAL RESOURCES          )

**REQUEST FOR ORDER APPROVING**  
**SULLIVAN COUNTY PLAN FOR ALLOCATION OF JUDICIAL RESOURCES**

After full review of the weighted caseload study of the Courts of Sullivan County, Indiana, we, the undersigned Judges of Sullivan County, hereby adopted Amended Local Court Rule #1 entitled Sullivan County Plan For Allocation Of Judicial Resources.

**WHEREAS**, the Courts of Sullivan County adopted Amended Local Court Rule #1 entitled Sullivan County Plan For Allocation Of Judicial Resources effective February 1, 2002, a copy of said Amended Local Court Rule #1 being attached hereto and made a part hereof; and

**WHEREAS**, the Courts have found that the implementation of said attached Amended Local Court Rule #1 has resulted in an approximately equal division of the caseload between the Sullivan Circuit Court and the Sullivan Superior Court based upon the weighted caseload study and would request that the same allocation plan continue to be utilized.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that the attached Amended Local Court Rule #1 regarding the filing of cases, and such amendments to same as the Courts may hereafter make, shall constitute the Sullivan County Plan For Allocation Of Judicial Resources.

**ALL IS SO REQUESTED** this 24th day of July, 2006.

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**P.J. PIERSON**, Judge of the  
Sullivan Circuit Court

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**THOMAS E. JOHNSON**, Judge of the  
Sullivan Superior Court

**AMENDED LOCAL COURT RULE #1**  
**EFFECTIVE FEBRUARY 1, 2002**

The Presiding Judge of the Sullivan Circuit Court, P.J. Pierson, and the Presiding Judge of the Sullivan Superior Court, Thomas E. Johnson, now issue the following Orders and Local Court Rule, effective February 1, 2002, and thereafter until further order:

**SULLIVAN COUNTY PLAN FOR ALLOCATION OF JUDICIAL RESOURCES**

A. Sullivan Circuit Court: The Sullivan Circuit Court shall have exclusive jurisdiction over the following Court dockets:

1. Juvenile;
2. Adoptions;
3. Guardianships;
4. Estates; and
5. Civil Commitments

B. Sullivan Superior Court: The Sullivan Superior Court shall have exclusive jurisdiction over the following Court dockets:

1. Small Claims;
2. Traffic Violations;
3. Infractions; and
4. Felony offenses charged under I.C. 9-30-5-3 and I.C. 9-30-5-4

C. Concurrent Jurisdiction: The Sullivan Circuit Court and the Sullivan Superior Court will each have jurisdiction over the following Court dockets:

1. Civil;
2. Criminal Offenses;
3. Civil Venue;
4. Criminal Venue; and
5. Protective Orders

D. Random Case Assignment: Cases involving concurrent jurisdiction shall be assigned randomly by the Clerk of the Sullivan Circuit and Superior Courts. This shall be accomplished by utilizing JTS Case Tracking Software which randomly assigns cases on a 50:50 ratio between the Sullivan Circuit Court and the Sullivan Superior Court. However, there are some instances in which random case assignment will not be conducted. Those exceptions are as follows:

1. Criminal Felony Case Assignment:
  - A. As stated in (B)(4), the Sullivan Superior Court shall have

exclusive jurisdiction over all felony cases filed under I.C. 9-30-5-3 and I.C. 9-30-5-4. The Clerk of the Courts will override the random case assignment process and assign all felony cases filed under I.C. 9-30-5-3 and I.C. 9-30-5-4 to the Sullivan Superior Court.

B. If a criminal non-support of a dependent child case is filed and a Sullivan Court has a pending case in which the child support obligation was either established or enforced, then the criminal non-support case shall be filed in the same Court in which the child support obligation was established or enforced. The Clerk of the Courts will override the random case assignment process and assign the criminal non-support case to the appropriate Court.

2. Criminal Misdemeanor Case Assignment: Random case assignment will be employed for all criminal misdemeanors filed. However, rather than a ratio of 50:50, the Clerk will assign these cases at a ratio of 75:25 with seventy-five percent (75%) of the criminal misdemeanor cases being filed in the Sullivan Superior Court and twenty-five percent (25%) of the criminal misdemeanor cases being filed in the Sullivan Circuit Court.

3. Companion Civil Filings: In the event two or more civil cause are identified by the filing party as companion cases, arising from the same circumstances, with similar issues of fact and law, the Clerk will utilize random case assignment to assign a Court to the first cause. The Clerk of the Courts will then override the random case assignment process and assign any companion cases the same Court

4. Subsequent Criminal Filings: The Circuit Court and the Superior Court state that the policy of the Courts is to have all criminal cases pending against an individual filed in the same Court. Therefore, when a criminal case is filed, the Prosecuting Attorney and the Clerk shall determine if the accused has additional criminal charges pending. If there is another criminal charge pending in either Court, the new criminal charge shall be filed in the same Court where charges are pending. When the new criminal charge is filed in the Court where additional criminal charges are pending, the Clerk shall override the random case assignment and assign the new criminal charge to the appropriate Court.

E. Transfer: The Judge of the Sullivan Circuit Court or the Sullivan Superior Court, by appropriate order entered in the Record of Judgments and Orders, may transfer and reassign any case to the other Court, subject to acceptance by the receiving Court.

F. Refilings: When the filing party and/or the State of Indiana dismisses a case and chooses to refile that case, the case shall be reassigned to the Court from which the dismissal was taken.

G. Reassignment of Judges in Circuit Court: The following individuals have agreed to serve in the event it becomes necessary to reassign a felony or misdemeanor case in the Sullivan Circuit Court: the Honorable Thomas E. Johnson, Sullivan Superior Court; the Honorable J. David Holt; Greene Superior Court; the Honorable David K. Johnson, Greene Circuit Court; and the Honorable Jim R. Osborne, Knox Superior Court, Division II. By order of adoption of these rules, the Indiana Supreme Court, pursuant to I.C. 33-2.1-7-8, temporarily transfers the above judges to the Sullivan Circuit Court for the purpose of reassignment of felony and misdemeanor cases. In the event it becomes necessary to reassign a felony or misdemeanor case, the judges will be reassigned in consecutive order to the above noted judges.

H. Reassignment of Judges in Superior Court: The following individuals have agreed to serve in the event it becomes necessary to reassign a felony or misdemeanor case in the Sullivan Superior Court: the Honorable P.J. Pierson, Sullivan Circuit Court; the Honorable J. David Holt; Greene Superior Court; the Honorable David K. Johnson, Greene Circuit Court; and the Honorable Jim R. Osborne, Knox Superior Court, Division II. By order of adoption of these rules, the Indiana Supreme Court, pursuant to I.C. 33-2.1-7-8, temporarily transfers the above judges to the Sullivan Superior Court for the purpose of reassignment of felony and misdemeanor cases. In the event it becomes necessary to reassign a felony or misdemeanor case, the judges will be reassigned in consecutive order to the above noted judges.

I. Appointment of Special Judge: In the event no judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a Special Judge. In the event the judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a Special Judge, such presiding judge may request the Indiana Supreme Court for such appointment.

The effective date of this Amended Local Court Rule #1 shall be February 1, 2002.

**IT IS SO ORDERED** this 1st day of February, 2002.

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P.J. PIERSON, Judge of the  
Sullivan Circuit Court

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THOMAS E. JOHNSON, Judge of the  
Sullivan Superior Court